

## IOWA BOARD OF EDUCATIONAL EXAMINERS

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IN THE MATTER OF:

Darwin McNeil,

Respondent.

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Case No. 17-107

License No. 974600

FINAL ORDER

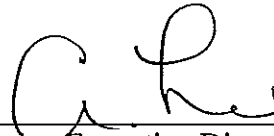
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1. The Respondent holds an Initial Career and Technical Authorization (FOLDER # 974600) with an endorsement to teach 5-12 Military Science. Respondent's license expired on October 31, 2017.
2. During all material events of this case, Respondent was employed as an ROTC Instructor with the Davenport Community School District.
3. On June 19, 2017, the Board of Educational Examiners received a complaint against Respondent alleging various violations. On January 11, 2018, the Board found probable cause to proceed to hearing based upon the facts set forth herein and delineated in further detail within the complaint and investigation file compiled by the Board.
4. Investigation revealed that during the 2016-2017 school year, Respondent offered money to a female student in exchange for her company and otherwise attempted to establish an inappropriate relationship with that student.
5. The Board charged Respondent with soliciting or encouraging a romantic or otherwise inappropriate relationship with a student, in violation of 282 Iowa Administrative Code rule 25.3(1)(e)(4).
6. Pursuant to Board rule, a practitioner may voluntarily surrender the practitioner's license if the practitioner waives the right to hearing before the Board and notifies the Board of the intent to accept a permanent revocation of the practitioner's license. Upon receipt of a voluntary surrender, "[t]he Board may issue an order permanently revoking the practitioner license . . ." 282 I.A.C. 11.4(6).
7. On March 9, 2018, the Respondent filed a Surrender of Practitioner License and Waiver of Formal Hearing form. The voluntary surrender was presented to and accepted by the Board at a meeting held on April 6, 2018.

## ORDER

**THEREFORE**, the Board acknowledges the Respondent's voluntary surrender of his practitioner license and incorporates his action into this Order by attaching a copy of the surrender to this Order. In accordance with this filing, all licenses issued by the Board to the Respondent and his privilege to practice in Iowa are **PERMANENTLY REVOKED** with no possibility of reinstatement.

Dated this 6<sup>th</sup> day of April, 2018.



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Dr. Ann Lebo, Executive Director  
On behalf of the Board

Copies to:

Darwin McNeil (restricted-certified mail and first-class mail)  
RESPONDENT

Allison Schmidt (electronic mail)  
ATTORNEY FOR STATE

**STATE of IOWA  
BOARD OF EDUCATIONAL EXAMINERS  
Grimes State Office Building  
Des Moines, IA 50319-0147**

RECEIVED  
EXECUTIVE DIRECTOR  
BOARD OF EDUCATIONAL EXAMINERS

**SURRENDER OF PRACTITIONER LICENSE  
AND  
WAIVER OF FORMAL HEARING  
Before the  
IOWA BOARD OF EDUCATIONAL EXAMINERS**

MAR 09 2018

I, Darwin McNeil (BoEE Folder No. 974600), swear and affirm under oath:

that I am the Respondent in a case currently before the Iowa Board of Educational  
Examiners;

that I currently hold a valid or expired Iowa practitioner's license;

that I have been informed of and understand the nature of the proceedings before  
the Board and have received a copy of the complaint filed against me and the  
applicable rules (282 Iowa Administrative Code, Chapters 11 and 25);

that I am aware of the Board's legal authority to exonerate, warn, or reprimand me  
as a licensed individual, following a Board investigation into allegations of  
conduct violative of Board criteria, and of the Board's authority to suspend  
or revoke my license for conduct violative of Board criteria;

that I understand that I have an opportunity to be heard and to contest the  
allegations against me in formal hearing before the Board; and that by  
waiving the formal hearing, I waive my right to challenge the allegations  
against me in the complaint, and as a consequence, my privilege to teach,  
administer, coach, and/or otherwise practice as a licensee in Iowa will be  
permanently revoked with no possibility of reinstatement;

that I understand that the Board will notify the NASDTEC (National Association of  
State Directors of Teacher Education & Certification) National Clearinghouse  
that my license has been revoked and that other state teacher licensing  
boards will have access to this information.

HAVING ACKNOWLEDGED MY RIGHTS AS OUTLINED ABOVE, I hereby formally waive  
my right to a hearing before the Board and request that my license to teach, administer,  
coach, and/or otherwise practice as a licensee of the Board of Educational Examiners in  
Iowa be revoked. I affirm that my decision is made voluntarily and knowingly.

  
Practitioner signature

3/3/2018  
Date

**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS  
OF THE STATE OF IOWA**

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In the matter of	)	Case No. 17-107
	)	Folder No. 974600
<b>DARWIN MCNEIL,</b>	)	
	)	<b>NOTICE OF HEARING</b>
Respondent.	)	<b>AND STATEMENT OF CHARGES</b>

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**YOU ARE HEREBY NOTIFIED** that the Iowa Board of Educational Examiners, exercising the jurisdiction conferred by Iowa Code chapters 17A and 272, has found probable cause of a violation of Board rules and ordered this matter scheduled for hearing.

**A. TIME, PLACE AND NATURE OF HEARING**

1. Hearing will be held on Thursday, May 17, 2018, before Administrative Law Judge Margaret LaMarche, acting on behalf of the Iowa Board of Educational Examiners. The hearing shall begin at 9:00 a.m. in Department of Inspections and Appeals, Wallace State Office Bldg, Third Floor, 502 E. 9<sup>th</sup> Street (East 9<sup>th</sup> and Grand Avenue), Des Moines, Iowa. You should report to the third floor Iowa Department of Inspections and Appeals' (DIA) receptionist prior to 9:00 a.m. to obtain the room assignment.

2. Answer. Within twenty (20) days of the date of service of this Notice of Hearing, you are required to file an Answer specifically admitting, denying, or otherwise responding to the allegations included within the Factual Allegations. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing. A copy of the Answer shall be provided by the Respondent to the Assistant Attorney General identified below.

3. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 282 Iowa Administrative Code chapter 11. At hearing, you may appear personally or be represented by an attorney, at your own expense. You will be allowed the opportunity to respond to the charges against you. Each party will be allowed to testify, examine and cross-examine witnesses, and present documentary evidence. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence. If you need to request an alternative time or date for hearing, you must comply with the requirements of 282 Iowa Administrative Code rule 11.19.

If either party wishes to present telephonic testimony or to participate in the hearing by telephone, arrangements must be made at least ten (10) days in advance of the hearing date by filing a written request with the presiding Administrative Law Judge, Department of Inspections and Appeals, Wallace State Office Building, Des Moines, Iowa 50319, or by faxing a written request to (515) 281-4477. A copy of the request for telephonic testimony must be served on the Board and all parties. Any

resistance to the request for telephone testimony must be filed within five (5) days of service of the notice.

4. Pre-hearing conference. Either party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board rules regarding pre-hearing conferences are found in 282 Iowa Administrative Code rule 11.18.

5. Prosecution. The office of the Attorney General is responsible for prosecuting and representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Allison Schmidt  
Assistant Attorney General  
Iowa Department of Justice  
2<sup>nd</sup> Floor, Hoover State Office Building  
Des Moines, Iowa 50319  
Telephone (515) 281-3395

6. Communications. You may not contact Board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing or the pending charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve on all parties in the case. You should direct any questions about this proceeding to Ann Lebo, the Board's Executive Director, at (515) 281-5849 or to Assistant Attorney General Schmidt at (515) 281-3395.

## **B. SECTIONS OF STATUTES AND RULES INVOLVED**

### **Count I**

7. Respondent is charged with soliciting or encouraging a romantic or otherwise inappropriate relationship with a student, in violation of 282 Iowa Administrative Code rule 25.3(1)(e)(4).

## **C. JURISDICTION AND LEGAL AUTHORITY**

8. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A and 272. If any of the allegations against you are proven at hearing, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A and 272, and 282 Iowa Administrative Code chapter 11.

## **D. FACTUAL CIRCUMSTANCES**

9. Respondent holds an INITIAL CAREER AND TECHNICAL AUTHORIZATION (FOLDER # 974600) with the following endorsement: 5-12 Military Science. Respondent's license is expired.

10. During all material events of this case, Respondent was employed as an ROTC Instructor with the Davenport Community School District.

11. On June 19, 2017, the Board of Educational Examiners received a complaint against Respondent alleging various violations. On January 11, 2018, the Board found probable cause to proceed to hearing based upon the facts set forth herein and delineated in further detail within the complaint and investigation file compiled by the Board.

12. Investigation revealed that during the 2016-2017 school year, Respondent offered money to a female student in exchange for her company and otherwise attempted to establish an inappropriate relationship with that student.

#### **E. SETTLEMENT**

13. This matter may be resolved by surrender of your license or an agreement to accept a lesser sanction. The procedural rules governing the Board's settlement process are found at 282 Iowa Administrative Code rule 11.4(6). If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General Schmidt.

Dated this 13<sup>th</sup> day of February, 2018.



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Ann Lebo, Executive Director  
Iowa Board of Educational Examiners

Copies to:

Darwin McNeil (first-class mail and restricted certified mail)  
RESPONDENT

Allison Schmidt (electronic mail)  
ATTORNEY FOR STATE